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RCE# 3721

PTO/SB/30 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:  
Mail Stop RCE  
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P.O. Box 1450  
Alexandria, VA 22313-1450

|                        |                      |
|------------------------|----------------------|
| Application Number     | 09/928,007           |
| Filing Date            | August 10, 2001      |
| First Named Inventor   | Brian Eugene Baldwin |
| Art Unit               | 3721                 |
| Examiner Name          | Brian D. Nash        |
| Attorney Docket Number | 50012-00004          |

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

- b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☒ Affidavit(s)/Declaration(s)

iv. ☐ Other \_\_\_\_\_

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

- b. ☐ Other \_\_\_\_\_

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayment to \_\_\_\_\_

Deposit Account No. 50-1419

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

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iii. ☐ Other \_\_\_\_\_

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- b. ☒ Check in the amount of \$ 385.00 enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)

Thomas R. Marsh

Registration No. (Attorney / Agent)

31,039

Signature

*Thomas R. Marsh*

Date

2/17/04

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)

Lynn Pennywell

Signature

*Lynn Pennywell*

Date

2/17/04

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of:

Brian Eugene Baldwin et al.

Serial No.: 09/928,007

Filed: August 10, 2001

Confirmation No.: 6430

Atty. File No.: 50012-00004

For: METHOD, SYSTEM AND  
APPARATUS FOR HANDLING,  
LABELING, FILLING AND  
CAPPING SYRINGES

Group Art Unit: 3721

Examiner: Brian D. Nash

**AMENDMENT AND RESPONSE****CERTIFICATE OF MAILING**

I HEREBY CERTIFY THAT this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: 02/17/04.

MARSH FISCHMANN &amp; BREYFOGLE LLP

By: 

Lynn Pennywell

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant submits this Amendment and Response to address the Office Action mailed October 16, 2003. Enclosed herewith is a petition for a one-month extension of time, thereby extending the time period for response from January 16, 2004, to February 16, 2004, as well as a check in the amount of \$55.00 as the fee for such extension. Please credit any overpayment or charge any underpayment to Deposit Account No. 50-1419.

Please cancel Claim 17 and amend Claims 1, 5, 18, 19, 91, 92 and 100-102, as set forth below:

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